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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,503	06/29/2004	Michael Haacke	De 020001	4391

24737 7590 08/28/2006

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EXAMINER

PATEL, ASHOK

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/500,503

Applicant(s)

HAACKE, MICHAEL

Examiner

Ashok Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 13-15 and 17-20 is/are allowed.
6) ☒ Claim(s) 1-3 and 5-12 is/are rejected.
7) ☒ Claim(s) 4 and 16 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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1. Claim 4 and 16 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel claims 4 and 16, or amend claims 4 and 16 to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 1 and 16 recite the head part and the shaft part having different diameters. However claims 4 and 16 recite the head part and the shaft part having substantially the same diameters, which contradict with respective base claims. Claim 4 and 16 are accordingly not treated on merits at this time.

2. Claim 13 is objected to because of following informalities: line 6, the term "includes," should be corrected to --includes a first portion,--. Appropriate correction is required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the

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United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Harada et al (USPN 6580218).

Harada et al disclose applicant's claimed discharge lamp including: a close discharge vessel (11) formed by a wall of transparent material, and two electrodes (2, 3) which are partly embedded in the wall and project into the interior of the discharge vessel, wherein at least one electrode of the two electrodes is elongate in shape and has a head part (the part which remains into the interior of the discharge vessel) and a shaft part (the part that having length substantially smaller than the shaft part) made of different (lower) diameters, of which the shaft part is enclosed over its entire length by the material forming the wall, and the head part includes a first portion, which is enclosed by the material forming the wall, and a second remaining portion, which projects into the interior of the discharge vessel, the second portion being longer than the first portion.

As to claim 9, Harada et al disclose the discharge lamp further including a gas within the discharge vessel wherein the electrode material, and also the material of the discharge vessel, is free from thorium.

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2, 3, 5-8 and 10-12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al, as applied to claim 1.

As to claims 2 and 3, Harada et al do not disclose the discharge lamp including first portion of specific dimensions as claimed by applicant. However, when general parameters of the lamp is disclosed by Harada et al, selecting desired optimum dimensions of the first portion would have been obvious under routine experimentation.

As to claims 5, 6 and 10-12, Harada et al do not disclose the discharge lamp including head part and shaft with specific dimensions as claimed by applicant. However, it has been held that where general conditions of the claim are discovered in the prior art, discovering the optimum or workable dimension range

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involves only routine skill in the art. In re Aller, 105 USPQ 233.

As to claims 7 and 8, the limitations of claims 7 and 8 are not deemed patentable since the applicant's disclosure fails to show such limitations solving any particular problems or to yield any unobvious advantage that is not within the scope of the teachings applied. Therefore, such limitations of claims 7 and 8 would be a matter of design alternative.

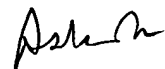
7. Claims 13-15 and 17-20 are allowed over prior art since prior art of the record does not disclose applicant's claimed discharge lamp formed by a wall of transparent material and two electrodes which are partly embedded in the wall and project into the interior of the discharge vessel, wherein at least one electrode of the two electrodes is elongate in shape and has a head part and a shaft part made of different materials and having different diameters, of which the shaft part is enclosed over its entire length by the material forming the wall, and the head part includes a first portion, which is enclosed by the material forming the wall, and a second remaining portion, which projects into the interior of the discharge vessel, the second portion being longer than the first portion.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ashok Patel
Primary Examiner
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